

NATIONAL FOREST ADVISORY BOARD MEETING – July 14, 2004 -
Pactola Room/Ramkota Hotel and Convention Center, Rapid City, SD

ATTENDEES: Board Members: Chairman Tom Blair, Vice-Chair Bob Kloss, Ron Johnsen, Pat McElgunn, Jim Margadant, Jeff Olson, Bob Paulson, Jim Scherrer, Nels Smith, John Teupel, and Ed Yelick. Forest Representatives: Frank Carroll, Marcia Eisenbraun, Brad Exton, and Rick Hudson.

BOARD MEMBERS ABSENT: John Cooper, Bryce In The Woods, and Aaron Everett.

Approximately 40 attendees from the public sector sat in on the meeting.

APPROVAL OF MINUTES: Deferred to next meeting.

ROLL CALL OF ATTENDEES: Dispensed with.

COMMENTS TO THE CHAIR: None.

COMMENTS OR ADJUSTMENTS TO THE AGENDA:

Teupel: What does the August agenda look like and what will the topic for that meeting be?

Carroll: We will get to that later in this meeting.

Yelick: When Phase II comes to the table it will take priority for the Board, but until that occurs we will likely focus more on Access/Travel Management.

Teupel: Would like us to secure dates for Board meetings for the next 6 months and decide if we wish to continue with dedicating ½ day for these meetings.

- August 18 – Recommendation to have a discussion of the full-Board on the National Off-Highway Vehicle (OHV) Plan. Topic to be decided.
- September 15 – Topic to be decided.
- October 13 (third Wednesday does not work due to conflicts with Forest scheduling) – Topic to be decided.
- November 17 – Topic to be decided.
- December 8 – Topic to be decided.
- January 5, 2005 – Topic to be decided.

Carroll: Administrative requirements regarding the Charter renewal are better left to a future meeting. Based on proposals for topics of future meetings, the recommendation from the Forest is to form a sub-committee (Chair, Vice, FS, and PAO) to present topics for discussion.

Scherrer: Move that the agenda topic for the August meeting focus on interested groups coming before this Board to present their ideas and input on the National OHV Plan. Second by Paulson.

DISCUSSION: Olson: Do we want to focus the meeting on this issue (i.e. allowing 15 minutes from each group rather than a total of 15 minutes at the end of the meeting)?

Yelick: Would like to see this carried into several meetings rather than shrinking comments into one meeting only.

Exton: In order to sufficiently comment on the proposed National OHV Plan, we need to focus on providing comments within the 60-day comment period identified in the proposal.

Margadant: Is the Forest asking this Board should provide comment to the Washington Office?

Exton: Believe this would be an excellent idea.

Smith: What, if any, element in our Charter would preclude this Board from commenting on the National Plan?

Margadant: This comes forward from the initial comments from this Board that comments would be submitted to the Black Hills National Forest Supervisor. Any group can submit comments to the National Plan. Are we better served to focus efforts on what the local public expects?

Exton: Believe that while this Board was formed to present comments and recommendations on Forest-specific matters, submitting a Board recommendation to the national OHV Plan would be a good step and would provide a basis for a future recommendation on the OHV Plan under development on the Forest level.

Teupel: Regarding the August meeting, indicated he expected that ground rules would require groups wishing to speak to contact either a Board member or PAO to be placed on the agenda for a specified length of time.

Blair: We do not live in a bubble and believe it is appropriate that comments on national issues be submitted through the Forest Supervisor.

MOTION CARRIED – The August meeting will focus on the National OHV Plan with public groups invited to make presentations to the Board.

Yelick: Interested in knowing what specifically the National rule proposes.

Exton: Provided a brief clarifying statement regarding the National OVH Plan options (open unless designated closed, closed unless designated open, designated route systems, etc.).

Blair: Need to move forward now to decide how we are going to structure the August meeting.

Teupel: Propose that 15-minute presentations with 5 minutes Q&As be scheduled through the PAO no less than 7 days in advance of the meeting date (August 11). This would allow for 9-10 presenters. Presenters should also bring a written or electronic format of their statement to submit to the Board.

Carroll: Provided clarification of why the 15-minute public comment period was attached to the end of the meeting.

Scherrer: Would propose a sub-committee be established to make determinations of what groups (broad scoped) would be given time on the August agenda.

Kloss: A summary of the proposed presentation would be required by the August 11 cut-off date to allow for a sub-committee to make this determination.

Blair: Support the concept of working through the PAO, providing a summary by August 11 and scheduling on a “first-come/first-scheduled” process.

Kloss: We have covered the agenda for August, so do we want to move forward to September?

Blair: Think we will want to keep September open for continuance of either the OHV topic or for the Forest to make a presentation on Phase II.

Exton: Provided a brief summary of the Phase II analysis process for all present and indicated that making a full presentation at the September meeting may be premature.

Kloss: Think that the Meeting protocol for the next 5-6 months is complete for now. Next item on the Agenda is the Renewal of the Charter.

Carroll: The Forest will prepare a brief summary of the actions needed for renewing the Charter of this Board for a brief discussion at the August meeting prior to the OHV presentations.

HOT TOPICS: Chair: Administration chose this week to roll-out the Roadless Rule. What does this mean for the Forest?

Carroll: The Forest is not prepared to comment on this today as we received the Roadless Rule at the same time as the public and we were given the same telephone contacts that the public received. Information has not been received to permit the Forest to provide additional information on this topic.

Yelick: This Board advises the Forest, but indications are that, with regards to the Roadless Rule, state Governors would submit the request for exemption. Believe the public needs additional information and will anxiously await further clarification from the Forest on this matter.

Teupel: Believe the National Roadless Rule will have little impact on the BKF due to the limited roadless areas within the Forest boundary.

Smith: Don't know that the roadless areas on the BKF are protected as much as they are locked up within privately owned land. Expect this to have larger impacts within the western United States based on each State's needs.

Blair: Believe we are now ready to move forward to the Access/Travel Management presentation and asked that AFS Exton provide clarification of his expectations for this meeting.

Exton: Forest Supervisor John Twiss is expected back on the Forest upon completing his two final last training sessions on July 23. The prior discussion on how to proceed has already laid the ground-work for what Exton wanted to clarify prior to moving forward with the agenda discussion. The Forest is in the preliminary informal stage of looking at this issue and is not ready to take formal comment at this time. The Forest will accept any comment at this time to further development of a Forest-specific OHV Plan and will certainly at a future date incorporate a formal comment period to any proposal.

PRESENTATION BY RICK HUDSON, FOREST RECREATION SPECIALIST: Appreciate the opportunity to come here and discuss Unmanaged Recreation, the National OHV Proposed Rule, and Travel and Trail Management.

- A copy of the PowerPoint presentation is included with the hard copy version of these notes.
- User-created trails are those trails not created or maintained by the Forest Service.
- The concentration of impacts is along Highway 385 east to Rapid City and between Highway 16 and Interstate 90.
- A direct relationship between impacts and private land holdings within the Forest boundary exists.
- Provided a summary explanation of the Code of Federal Regulations (CFRs) and proposed changes identified in the National Policy and Proposed Rule Making within the CFRs.

Paulson: Do we know which other Forests have open unless designated closed regulations? Can we find out?

Hudson: Did not know which forests specifically have "open unless designated closed" at this time, but can get the information to share with the Board. The expectation is that the National Proposed OHV Rule will be published in the Federal Register on July 15 and the 60-day comment period will begin on July 16. BKF does not have a forest-wide Travel Management plan at this time; however, work is being done toward this end.

Smith: Expressed concern that the Proposed National Rule will not eliminate the need to issue special orders.

Hudson: The areas opened will be opened through analysis and public participation avenues and will require special orders, but these orders will be supported by the analysis.

Smith: Doesn't this simply lock-up the Forest?

Teupel: What is the effect to commodity harvest/collection?

Exton: Envision that one special order would be issued to cover the entire Forest and would identify specific areas to be opened. This should allow us the flexibility necessary to close any areas that have been opened if we determine that resource damage is occurring because of the open status.

Blair: Do you have trails or roads within the NFS that are managed by another entity?

Hudson: Yes, the Mickelson Trail and the Snowmobile Trail System are both managed by the State Department of Game, Fish and Parks Division of Recreation.

Kloss: The term “troad” relates to a trail or road that is classified as neither and this is where this problem lies.

Olson: There could potentially be an increase in the number of roads within the Forest boundary, is that correct?

Hudson: Yes; however that is not likely.

Teupel: Would the Forest have a process for allowing infrequent use within closed areas?

Hudson: Yes, this would be handled through contract or permit agreements.

Paulson: How does this relate to non-motorized uses? Would this proposed rule not affect foot, mountain bike, horse uses?

Hudson: Correct, the proposed rule would not affect non-motorized uses.

BKF TRAVEL MANAGEMENT SITUATION

Paulson: Explanation of the Recreation Opportunity Spectrum requested.

Hudson: Explanation offered through the recreation use map include in the packet.

Bryce In-The-Woods joined the meeting at this time (2:50).

Paulson: How did the Wyoming OHV map come to be?

Hudson: This is the result of working with the State of Wyoming. Local roads comprise the majority of roads within the BKF.

Olson: Will we have to get a handle on the non-system roads as a result of this effort?

Kloss: Requested additional clarification on non-inventoried roads.

Hudson: Non-inventoried areas are added to the inventory whenever we run across them while conducting field surveys. There is a great need to avoid public confusion regarding road and travel damages.

Paulson: What are some of the disadvantages from moving forward with the proposed rule?

Hudson: Disadvantages are limited when compared to the disadvantages we face with the current situation. The current relationship between the Forest and user groups, both motorized and non-motorized, is good and the Forest wants to expand and improve these relationships.

Paulson: Are there criteria that will be used to prevent anything from being designated?

Hudson: Nothing unusual at this time.

COMMENTS FROM THE BOARD:

Blair: A volume of information here and warrants further study.

Scherrer: Request that the presentation submitted to the Board be in colored format when provided with the notes.

Blair: Asked that a note be made to future presenters that sufficient hard copies be available at the meeting for the Board and FS Staff. (Note: 30 copies should be available – 14 Board members, 11 Forest Leadership Team members, and up to 5 specialists).

Carroll: FS Website (<http://www.fs.fed.us/>) has volumes of information on this material (data, talking points, etc) and recommend the Board review this additional information.

In The Woods: We get figures relating to miles of roads, and the BKF is the most roaded within the FS system. We need to look at the roads that need to be closed, but we also need to reflect on

the areas within creek/riparian areas, near medicinal plant sites. Fear that we are not thinking up to 20 years out. Asked that the Forest please keep the Board informed of any “hot spots” being considered for closure. One area that raises this concern is the Craven Canyon area that is critical to certain publics. Please keep in mind that there are too many roads in the BKF and on the tribal and treaty area there are concerns other than travel access only.

OTHER BUSINESS TO COME BEFORE THE BOARD BEFORE OPENING TO PUBLIC COMMENT:

Kloss: Would like to comment to the roles and responsibilities of the Board as it relates to the Charter. No information is contained within the Charter addressing the role of the Vice-Chair and would like permission from the Board to assume that he will perform in the capacity of the Chair in the absence of the Chair. *“The Board will improve cooperation and collaboration on a government-to-government basis and with the public.” (taken from the charter).* Feel the Board has not to date been successful in this respect and would offer that today we begin to move forward in this effort. Are there areas where we could invite the Governors of South Dakota and Wyoming to meet with the Board and one another to further foster a cooperative and collaborative relationship? Believe this would be proactive and something to be considered in future agendas.

Teupel: Request clarification as to the responsibility of Board members with regards to attendance at these meetings. Would like to see 15 ACTIVE board members, knowing that the Wyoming elected official position has never been filled.

Carroll: *One of the items we face in this type of Board designation is that we attempt to involve individuals with a certain level of expertise, and of course, the Forest wants to involve individuals who can be in attendance. The Forest is continuing to look for a local level Wyoming elected official as a means to get some point of view from that area.*

Scherrer: A more sophisticated microphone system needs to be available for future meetings at this site.

Carroll: *This will be investigated.*

PUBLIC COMMENTS: Blair: This segment is starting early and speakers will be limited to three minutes each, due to the volume of people here and the need to provide as many with an opportunity to speak as is possible.

Blair: Offered this comment in response to Bob Kloss’s comment on the Vice-Chair duties, “THANKS to Ed Yelick and John Teupel for having led us into uncharted waters and bringing us into calmer seas.”

Teupel: Worked together with former Chairman Yelick regarding what skills each of them had to offer and where they could best complement one another while meeting the needs of this Board. The Chair can also delegate responsibilities to the Vice-Chair or other Board members.

Elaine Ebbert, Botanist: Have done work with the FS and continue to see impacts from all-terrain vehicle (ATV) use. Two to four years is entirely too long to take to address this problem. Need to utilize emergency closures in some areas to prevent further damage. What is the process to do this and to whom does the public comment?

Lloyd: *Send a copy of photos along with a map identifying the affected area to the Forest Supervisor or the District Ranger with responsibility for management of the area identified.*

Ebbert: Expressed concern that when meeting someone in the field and asking them to help reduce damage it wasn’t “him,” it was “the other guy” who caused the damage (i.e. breached the gate, tore-up the ground, etc.). With respect to the August meeting, are individuals included in those invited to present comment or will comments be accepted from user groups only?

Scherrer: We have unique vegetation and recreational opportunities. The Board expects anyone with information to come forward to assist with educating this board. Please bring copies of any pictures to the August meeting.

Greg Mumm: Black Hills Forest Cruisers and Black Hills 4-Wheelers: Would like to offer assistance to Ebbert in addressing the concerns she expressed and look forward to a formal and longer presentation in August. Thank you to the Board and the Forest in beginning this process and for being willing to take the time (2-4 years) to explore this mater.

Becci Rowe: Geology Student at South Dakota School of Mines & Technology (SDSM&T), resident of Stagebarn Canyon. Expressed a serious concern with the area of Botany Canyon (lower end of Stagebarn Canyon). Damage is extensive and surface water contamination from vehicle liquids is occurring.

Paulson: Woodland Hills Homeowners group working to put a use restriction in place along this area.

In the Woods: In your 24 years of residency in the area how much damage have you seen and when did the damage become most visible?

Rowe: Most damage has occurred in the past year, and she believes is extensive.

Jeff Kearney: Appreciate the open-mindedness I'm hearing. Don't want to hear a lot of restrictions. Need to keep this as open minded as possible. Shifting 100 motorized users from one area to another area that also has 100 areas "ups" the damage in the second area because of the additional users.

Paulson: What do you think of the Farmingdale "Railroad Buttes" area?

Kearney: A high increase has occurred in the number of ATVs sold in South Dakota in past year. Would like to see Railroad Buttes continue to be open for those users who prefer that experience. With "x" number of vehicles we need to have trails to accommodate them.

Teupel: Does the ownership of an ATV give anyone a God-given right to go into the public lands just because they have those machines and live near the Forest? When it is all said and done we need to have a balance and using the trail system seems to be the most responsible manner.

Kearney: If I want to go to Custer or Hot Springs I don't know where to ride because there is no map, so I pick the area close to home that I know is used.

Paulson: Do you as an organized group have "ethics" standards that you enforce? How do you handle the "outlaws"?

Kearney: Are you arresting the vehicle or the operator? Need to work with the FS on how best to handle infractions. The group is civilized and hasn't had to get heavy regarding enforcement other than in requiring helmets, but expect they will address infractions if, or when, they occur.

Eugene Koevenig, resident Hill City: Have been in BKF for 77 years and served as Chief of Maintenance at Mount Rushmore for 26 years. Know about management of trail systems and providing for the public. First and foremost the emphasis must be to protect the resource. Given the population explosion in the Black Hills area in the past decade the only thing that can be done to manage use is to enforce existing closures and open specific trail areas for operation of ATVs. If the closed unless designated open concept has worked across the nation, it will also work here. Would ask that users also look at what will be left for our children and grandchildren to enjoy. It can be done if we all work together.

Bob Burns: Landowner in the Stagebarn Canyon area and contractor, often working for the FS: much of the work has been implementing road closures that are ineffective and unenforceable. We need to have some restrictions in place that are effective and enforceable. ATV travel down

Stagebarn Creek is happening and is damaging multiple resources – riparian, flora, fauna, and water quality.

Olson: Burns has touched on the ineffectiveness of road closures. Olson asked what Burns sees as a correction for this. How does the Forest enforce closures?

Burns: Currently there are no ways to enforce the closures because of the historic openness of this Forest. Many infractions are done by youth who unfortunately have not been schooled in the appropriate use.

Scherrer: The FS does not have the financial resources to enforce the rule as it exists. For the proposed National Rule (or any rule) to work there needs to be “buy-in” from all of the folks speaking today and many others in the public. Permitting areas need to be utilized to allow funding maintenance and enforcement.

Blair: Many of the bridges have already been crossed, and we need to work cooperatively with other agencies.

Teupel: These two things go hand in hand with the FS establishing a use policy and working with the state to manage the trail system. Licensing of the equipment may be something that needs to be explored. Not all ATVs may need to be licensed, but to use trails within the BKF a license would need to be in place. But first and foremost the trail system needs to exist. If the FS does implement this there is no way for them to be solely responsible for enforcement of the restrictions.

Paulson: Would ask that Bearlodge District Ranger Steve Kozel comment at the next meeting regarding how this is working on the Bearlodge mountains (based on the map available at today’s meeting). We should start the August program out with this Wyoming information presentation.

Koevenig: If you make a fee requirement you may very well find that the public sees that a standard of maintenance is in place and become more willing to assist.

Mumm: Need to keep in mind that there are a lot of other user groups recreating within the NF, and we need to keep these users in mind.

John Bahaneman: Landowner: Sad to see the damage even as an owner of ATVs. The FS doesn’t currently have the funding to manage this use. Need to keep the trail system but need to figure out how to better fund, manage, and monitor it.

Yelick: As a group we will be sitting through two or three meetings of public comment and the Board should refrain from making comment until we are ready to move forward with making a recommendation to the FS. If we don’t limit Board comment rather than questions, this process will take three to four times longer.

ADJOURNMENT: Motion by Scherrer. Second by Paulson. Next meeting will be August 18. Location and agenda will be announced to the public through the local media.